

### **REMARKS/ARGUMENTS**

Claims 1 and 2-15 are pending in the application. In light of the following, Applicant believes all the pending claims are now in condition for allowance and requests reconsideration of the outstanding rejections.

Claims 1-15 were rejected under 35 USC 102(e) as being allegedly being anticipated by U.S. Patent No. 6,416,642, issued July 9, 2002 to Alajoki et al. (hereinafter "Alajoki"). Accordingly, it is being asserted that Alajoki teach all the features of the claims. Applicant respectfully traverses the rejection as a prima facie case of anticipation has not been established.

A prima facie case of anticipation requires, among other things, that the Office Action show where the cited art teaches all the features of the claims. The Office Action has not shown where Alajoki teach all the features of the claims. For example, claim 1 recites the following:

receiving a sequence of steps, each step specifying at least one well of a microfluidic device, a value indicative of a driving force to be applied to fluid in the at least one well and a duration for applying the driving force specified by the value to the fluid in the at least one well;

(emphasis supplied). As shown, the claim recites receiving a sequence of steps where each step specifies a duration for applying a driving force to a fluid. The Office Action has not shown where Alajoki discloses this feature.

The Office Action cites sections of Alajoki that discusses measuring the duration that a signal is detected. Alajoki is cited as stating, "The signal has an amplitude and duration which are measured, for example, by a computer operably linked to the detector" (col. 15, lines 57-59). The section further states, "The duration of the signal corresponds to how long the cell was in the window ...." (col. 15, lines 61-62). As such, the Office Action is citing Alajoki for measuring the duration that a signal is detected – this is not what is recited in the claims.

As shown above, the claims recite that a sequence of steps are received and each step specifies a duration for applying a driving force to a fluid. The Office Action asserts that these features in Alajoki as follows:

a vacuum source (i.e., a negative pressure source) is applied to a reservoir or well at the opposite end of the channel to draw the suspension through the channel

(citing col. 9, lines 23-25, emphasis in Office Action). This section describes applying a vacuum, but it has not been shown that the reference describes receiving a sequence of steps where each step specifies a duration for applying a driving force to a fluid as claimed.

The Office Action also cites another section of Alajoki as follows:

using pressure based flow systems that incorporate external or internal pressure sources to drive fluid flow

(citing col. 25, lines 35-37, emphasis in Office Action). Once again, this section describes pressure sources can be utilized to drive fluid, but the claim recites receiving a sequence of steps where each step specifies a duration for applying a driving force to a fluid. Neither of these sections of Alajoki teach the feature actually recited in the claims:

As the Office Action has not shown that Alajoki discloses all the features of claim 1, a prima facie case of anticipation has not been established. All of the independent claims have features that are similar to the ones discussed above so claims 1 and 2-15 are patently distinct.

#### Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8643.

Respectfully submitted,



Michael J. Ritter  
Reg. No. 36.653

RITTER, LANG & KAPLAN LLP  
12930 Saratoga Ave., Suite D1  
Saratoga, CA 95070  
Tel: 408-446-8690  
Fax: 408-446-8691